Allegation against the First Class Magistrate, Chickballapur.

Q.—3476. Sri K. S. SURYANARAYANA RAO (Mysore City).—

Will the Government be pleased to state:—

(*a*) whether it has come to their notice that the 1st Class Magistrate, Chickballapur, has stated recently in the open court addressing the Police of Gowribidanur that he is going to dismiss all the cases that they may bring before his court irrespective of merit, truth and of justice or otherwise of the cases;

(*b*) whether it has come to their notice that the investigating officer has reported the same matter to his superior officer namely the District Superintendent of Police;

(*c*) whether it has come to their notice that the said Magistrate according to his avowed declaration and policy has dismissed all the cases including murder cases that were launched by the police;

(*d*) whether it has come to their notice that the police finding that no useful purpose will be served, have not made any attempt to charge-sheet in several cases including even recent murder cases;

(*e*) whether they are aware of the seriousness of the situation that has arisen on account of the open declaration of the Magistrate in the court in the presence of the lawyers and the public?

A.—Sri C. M. POONACHA (Minister for Home Affairs and Industries).—

(*a*) Allegations to that effect have come to the notice of Government. Enquiries made reveal that the allegations are false.

(*b*) Yes.

(*c*) No.

(*d*) No.

(*e*) Does not arise in view of reply to (*a*) above.

Sri K. S. SURYANARAYANA RAO.—I want to know who conducted the enquiry and the list of persons that were examined and the report submitted by the Prosecuting Officer?

*Sri C. M. POONACHA.—The Government answer is that the investigating officer, reported the investigation conducted by him to the higher officer, namely, the D.S.P. An investigation was conducted by the D.S.P. and on the report submitted by the investigating officer, the D.S.P. has come to the conclusion that what was reported by the investigating officer was not borne out by facts.

Sri K. S. SURYANARAYANA RAO.—My question is: who are the persons inquired into by the D.S.P. who conducted the investigation?

Sri C. M. POONACHA.—The D.S.P. conducted a thorough investigation. The Inspector of Police and the investigating officer were the two persons who were inquired into.

Sri K. S. SURYANARAYANA RAO.—Did the Superintendent of Police inquire an Hon'ble Member of this House, who was present in the court on that day?

Sri C. M. POONACHA.—I do not have that information. I will verify it.

Sri K. S. SURYANARAYANA RAO.—In the report submitted by the investigating officer, did he mention about the presence of the Hon'ble Member of the House in the court on that day?

Sri C. M. POONACHA.—There is no reference to the Hon'ble Member of this House in the report.

Sri G. VENKATAI GOWDA.—When the enquiry made by the D.S.P. has revealed that the allegation is untrue, what action do the Government intend to take against the investigating officer, for having presented a false complaint?

Sri C. M. POONACHA.—This question is being pursued further. The enquiries in respect of the statement of the investigating officer are not complete yet.

Sri C. J. MUCKANNAPPA.—May I know on what date, the Magistrate is alleged to have expressed that he is going to dismiss all the cases true or untrue, with or without merit?

Mr. SPEAKER.—The Magistrate did not make such a remark. It is now stated that the allegation is untrue.

Sri C. K. RAJAIAH SETTY.—May I know the date on which he is alleged to have expressed that remark ?

Sri C. M. POONACHA.—I do not have that exact date with me here.

Sri V. SRINIVAS SHETTY.—Do the Government realise that if this sort of thing is allowed, one of the parties can easily blackmail the Magistrate by falsely implicating him and in view of the seriousness of such an allegation, would the Government take appropriate action against this particular officer ?

Sri C. M. POONACHA.—Government fully realise the seriousness of the situation and the allegations made and the matter is well in hand with the Government. They will take due action.

Sri V. P. DEENADAYALU NAIDU.—Is the enquiry regarding the conduct of the individual in question being held in his official capacity or otherwise ?

Sri C. M. POONACHA.—It is only an allegation about which I have already furnished an answer. There is nothing more to add.

Sri V. P. DEENADAYALU NAIDU.—I want a specific answer. Is the enquiry being held in his official or private capacity ?

Sri C. M. POONACHA.—The enquiry is official.

Sri V. P. DEENADAYALU NAIDU.—I am not speaking about your enquiry. I only want to know whether the enquiry is being held done in respect of his public capacity or otherwise ?

Sri C. M. POONACHA.—I must admit that I have not been able to follow the question.

Mr. SPEAKER.—If the Hon'ble Minister does not follow the question, what can I do ?

Sri V. P. DEENADAYALU NAIDU.—It is stated that the Magistrate has done something, which should be either in his official or public capacity. I want to know if the Government is sitting in judgement or enquiring into these matters which have transpired in the court, in his official or public capacity.

Mr. SPEAKER.—Does the Hon'ble Member want to know if the enquiry was conducted in public or not ?

Sri V. P. DEENADAYALU NAIDU.—I am not confining myself to the enquiry as such, but the subject matter is what they are enquiring into. I also want to know whether that has been done in his official capacity or public capacity.

Mr. SPEAKER.—The Hon'ble Member is still not clear.

Sri V. P. DEENADAYALU NAIDU.—The Magistrate has made certain statements. All that I would like to know is whether such statements were made in his public or official capacity.

(No Reply)

Sri K. S. SURYANARAYANA RAO.—The Minister was pleased to say that the enquiry was made by the examination of only the Prosecuting Inspector and another person. Why did not the Government or the District Superintendent of Police who conducted the enquiry make enquiries from the lawyers who were present in the court on that day at that time ?

Sri C. M. POONACHA.—It would have amounted to action on the part of the Superintendent of Police beyond his limits, because we can confine ourselves to the Department only. If we extend the scope of enquiry beyond that, it would have in a way reflected upon the court.

Sri J. B. MALLARADHYA.—Did the Government at any stage ask the Magistrate himself as to the truth of this allegation ?

Sri C. M. POONACHA.—We made enquiries but we did not ask the Magistrate.

ಶ್ರೀ ಜಿ. ದುಗ್ಗಪ್ಪ.—ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಸೂಪರಿಂಟೆಂಡೆಂಟ್ ಆಫ್ ಪೋಲೀಸ್ ಅವರು ಈ ಆಪಾದನೆಗಳ ಬಗ್ಗೆ ಏನು ಕ್ರಮ ಕೈಗೊಂಡಿದ್ದಾರೆ ?

ಶ್ರೀ ಸಿ. ಎಂ. ಪೂಣಚ್ಚ.—ವಿಚಾರ ನಡೆಸಿ ಆ ಪ್ರಕಾರ ಅವರು ಮಾಡಿರತಕ್ಕ ಆಪಾದನೆ ನಿರಾಧಾರ ವಾದುದು ಎಂದು ತಿಳಿಸಿದ್ದಾರೆ.

Sri G. DUGGAPPA.—May I know whether the District Superintendent of Police also enquired the Magistrate ?

Sri C. M. POONACHA.—I have already answered that fully.

(Sri C. J. Muckannappa rose.)

Mr. SPEAKER.—I do not want to allow any further supplementary on this question. I have given the Hon'ble Member sufficient chance.

(*Sri K. S. Suryanarayana Rao also rose*).

Mr. SPEAKER.—As I said, I do not want to allow further supplementaries.

Sri K. S. SURYANARAYANA RAO.—Then, how can we ventilate our grievances?

Mr. SPEAKER.—If the Hon'ble Member argues, it is not fair.

Sri K. S. SURYANARAYANA RAO.—I am prepared to take a ruling from the Chair in this behalf.

Mr. SPEAKER.—I do not want to allow further supplementaries. Please take your seat.

Cycle Rickshaws in the State.

Q.—3485. Sri J. H. SHAMSUDDIN (Honawar).—

Will the Government be pleased to state:—

(*a*) the number of man-driven cycle rickshaws in each of the cities of Bangalore, Mysore, Koloar Gold Fields and other parts of the State;

(*b*) whether the said rickshaws are licensed;

(*c*) whether they are aware that this system of transport adversely affects the health of the driver and is derogatory to human dignity;

(*d*) if so, whether they intend to stop this system of transportation, by cancelling all licenses?

A.—Sri R. CHENNIGARAMAIAH (Minister for Local Self-Government).—

(*a*) 1. Bangalore Corporation 314
2. Mysore ... None.
3. Kolar Gold Fields... None.
4. Raichur ... 250
5. Bidar and Kalyani 166
6. Bellary ... 273

(*b*) Yes.

(*c*) This is a matter of opinion.

(*d*) It is not possible to cancel licenses abruptly. Necessary instructions have however already been issued in the light of the measures proposed by the Central Government to the concerned authorities to take action for the elimination of these rickshaws gradually. This will avoid hardship of sudden unemployment.

Sri J. H. SHAMSUDDIN.—By way of supplementary to (*d*): Will the Government disclose the recommendations or the instructions given by the Government of India in this connection?

Sri A. BHEEMAPPA NAIK.—On a point of order, Sir. Can an Hon'ble Member occupy any seat? Either we ought to be allotted a seat or by custom we should occupy a seat. Otherwise, it would create disorder instead of order.

Sri J. H. SHAMSUDDIN.—If an Hon'ble Member has usurped my seat, I am helpless.

Mr. SPEAKER.—Instead of alloting seats tomembers, the second alternative is there. If a particular seat is occupied by a member, he should continue to occupy it.

Sri A. BHEEMAPPA NAIK.—Are we to take it that he will be in his usual seat hereafter?

Mr. SPEAKER.—Yes, unless his seat is occupied by someone else.

Sri J. H. SHAMSUDDIN.—I am suffering from usurpation.

*Sri R. CHENNIGARAMAIAH.—The instructions issued by the Government of India are that action should be taken to reduce the licences gradually and not abruptly.

Sri G. VENKATAI GOWDA.—When will they go off the roads completely?

Sri R. CHENNIGARAMAIAH.—It is not possible to stipulate any time limit.

Sri J. H. SHAMSUDDIN.—Are these licenses renewable every year?

Sri R. CHENNIGARAMAIAH.—Yes.

Sri J. H. SHAMSUDDIN.—Will the Government consider the question of refusing to renew the licenses on their expiry?

Sri R. CHENNIGARAMAIAH.—That is what the Government is thinking of doing gradually.

Sri J. H. SHAMSUDDIN.—What are the steps proposed to be taken to rehabilitate them after the licences are cancelled?